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Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. Pursuant to Security Council resolution 2296 (2016), the Secretary-General recommended in his letter dated 28 October 2016 addressed to the President of the Security Council (S/2016/915) that a joint African Union-United Nations strategic review of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) should be undertaken, in close consultation with the Government of the Sudan, to provide detailed recommendations to the United Nations Security Council and the African Union Peace and Security Council on the mission's priorities and configuration and that, if necessary, further revision of the benchmarks to reflect the realities in Darfur be proposed. It was recommended that the review be undertaken in December 2016 and that the recommendations be submitted to both Councils in January 2017. The previous review of UNAMID was conducted in December 2013 (see S/2014/138).

2. A joint African Union-United Nations strategic review team visited Khartoum and Darfur from 5 to 17 March 2017. It was co-led by the African Union Liaison Office in the Sudan and the Department of Peacekeeping Operations and comprised representatives from the African Union Commission, the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Field Support and the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as from the United Nations Development Programme (UNDP) and the Office for the Coordination of Humanitarian Affairs, representing United Nations development and humanitarian agencies, funds and programmes, respectively. The strategic review team held consultations with government officials and the United Nations country team, visited all five Darfur states and a number of team sites and met state and local authorities, representatives of the communities of internally displaced persons, the native administration and civil society groups.

3. The report provides a conflict analysis that depicts the current conflict dynamics and drivers in Darfur, as well as the political and humanitarian situation. In the report, the strategic priorities of UNAMID are examined, and a refocusing of the priorities in accordance with the conflict analysis is proposed. The report concludes with recommendations for the reconfiguration of UNAMID that seek to

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adapt the mission to the evolving realities on the ground and to the needs of the people in Darfur.

II. Conflict analysis

4. Over the past three years, the armed conflict that gave rise to the deployment of UNAMID has altered in the light of the military successes of the Government of the Sudan against the rebel movements. Simultaneously, alongside the national dialogue launched in October 2015, the political framework agreement for the resolution of the conflict, the Doha Document for Peace in Darfur, has been included in the Constitution. However, key provisions have yet to be implemented, and a number of outstanding issues related to the aftermath of the conflict and crucial grievances at the origin of the rebellion still need to be addressed.

A. Conflict dynamics

Fighting between the Government of the Sudan and armed groups and its impact on security

5. The hostilities between the Government of the Sudan and rebel forces have decreased significantly as a result of the three-phased Operation Decisive Summer (from January 2014 to June 2016), which effectively reduced the presence of the armed groups to parts of western Jebel Marra. According to UNAMID, the Sudan Liberation Army/Minni Minawi (SLA/MM) and the Justice and Equality Movement (JEM) were considerably weakened and have not engaged militarily with the Sudanese Armed Forces since April 2014 and April 2015, respectively. They are currently reported to not have any active presence in Darfur or the Sudan.

6. While the Sudan Liberation Army/Abdul Wahid (SLA/AW) continues to be present in Darfur, UNAMID considers its military effectiveness and area of operation to be considerably reduced. Since September 2016, there has been no military confrontation between the government forces and SLA/AW, and dry season combat (from late December to April), otherwise an annual occurrence, did not take place in 2017. The national armed forces currently maintain control of most areas and have deployed troops to Golo, Koron, Sarong and Guldo, while the following areas reportedly remain contentious under SLA/AW control: Kilinge, Boullay, Kibli, Bar Arie, Kalokitting, Kwila and Galol. Furthermore, SLA/AW is reported to have fragmented into an incohesive force of several factions, especially after a splinter group signed the "Koron agreement" with the Government on 4 November 2016, and even more so after the defection of its Deputy Commander, Alsadig Adam Abdulkarim, on 21 January 2017 and, more recently, the defection of a third faction led by Commander Abdel-Latif Abdel-Hamid on 14 April 2017.

7. In the meantime, however, conflicts in the wider region surrounding the Sudan are providing an opportunity for some of the Darfur armed groups to train and acquire military equipment and funds. The Panel of Experts on the Sudan has reported on the engagement of SLA/MM in Libya, fighting alongside the Libyan National Army in the area of the oil crescent since mid-2015, and in criminal activities, such as the operation of illegal checkpoints, kidnapping for ransom and trafficking in persons (S/2017/22). In an effort to prevent the infiltration of the Darfur armed groups from Libya, the Government of the Sudan has deployed the Rapid Support Forces along the northern borders of the region. A joint Libya-Sudan border force established in November 2013, following a military protocol signed in 2011, and mandated to protect their joint border, prevent the infiltration of armed elements, terrorist groups and illegal immigrants and secure the commercial

convoys was discontinued in 2015 by the internationally recognized Government of Libya, owing reportedly to other security priorities.

8. Reports also indicate the presence of JEM in Libya and South Sudan. As with SLA/MM, the group was reportedly fighting alongside the Libyan National Army, initially in the Qufrah area. In South Sudan, JEM is reported to have had a continuous presence since 2012 and has been engaged in fighting alongside the Sudan People's Liberation Army (SPLA) in various areas of the country. Most recently, the group was witnessed fighting on the side of SPLA against Fertit militia and SPLA in Opposition in Raja and Wau as late as June-July 2016. The Sudan-South Sudan Safe Demilitarized Border Zone is monitored by the Joint Border Verification and Monitoring Mission, as stipulated in the 2012 Agreement on Security Arrangements, and is supported by the United Nations Interim Security Force for Abyei.

9. The joint Chad-Sudan border monitoring force, established in 2010 with the objective of preventing cross-border attacks by rebel groups on both sides, continued to contribute visibly to stability in the western border areas. Discussions are ongoing regarding similar arrangements to cover the Darfur-Chad-Central African Republic triangle. Although the Central African Republic expressed its intention to join the Chad-Sudan force, to date this has not materialized owing to capacity constraints and continued political instability in the country. In September 2016, the Presidents of the Central African Republic, Chad and the Sudan held a meeting in Khartoum to discuss the deployment of joint border monitoring units.

Militia groups and proliferation of weapons

10. While the Government's military campaign and efforts to improve security in the Darfur state capitals have had a visible effect on the security front, the overall security situation in Darfur remains precarious. This is due mainly to the activities of the militia groups, the prevalence of weapons among the population and acts of banditry and criminality, coupled with the absence of an efficient police force and the rule of law.

11. Armed militias constitute one of the most complex issues in the security landscape of present-day Darfur. Organized mostly along tribal lines, armed militias have been present historically in Darfur as a protection arm of the communities in the face of fierce competition for scarce natural resources and acts of criminality, including cattle rustling. However, they gained notoriety as a result of their involvement in the recent Darfur conflict with the Janjaweed in support of the Sudanese government forces to quell the insurgency that started in 2003.

12. As the conflict evolved, some militias were incorporated into different auxiliary units of the Sudanese government forces, such as the Border Guards, the Popular Defence Forces, the Central Reserve Police and the Rapid Support Forces. Those auxiliary forces have since become key actors in the conflict between the Government and the armed movements and in intercommunal conflict, greatly influencing conflict dynamics in Darfur. Adequately equipped with small arms and heavy weapons, some of those forces are not only fighting against the rebel movements but, sometimes, also with each other or against government forces, further exacerbating insecurity and threats against civilians in Darfur.

13. The Doha Document for Peace in Darfur stipulates that "all armed militia groups shall be disarmed and disbanded as a prerequisite for the implementation of comprehensive arms control measures" (art. 67, para. 399) and that the Government of the Sudan "shall be responsible for [their] disarmament" (ibid.). However, in practice, alternative approaches have been adopted: at the national level, some 30,000 members of the Rapid Support Forces were absorbed into the national armed

forces following the adoption of a parliamentary bill on 16 January 2017; at the community level, the review team was informed that Darfur state governments were exploring models of local agreements between the tribes of the area, such as the Shattay-Kailak model in South Darfur, where, according to government sources, some 600 farms were returned to their former owners, or the Amnounou model, whereby the state government was mediating between the militia groups and internally displaced persons the latter's return to their lands.

14. It is widely considered that the prevalence of weapons among the population is seriously contributing to large-scale violence, including intercommunal violence, and criminality and is undermining the establishment of the rule of law. The Doha Document for Peace in Darfur provides only for "a voluntary civilian arms control programme" (art. 71, para. 416) and for the disarmament of former combatants (ibid., para. 432). The Darfur Disarmament High Committee was established by presidential decree on 2 April 2016, and the Government is currently designing a phased civilian arms control plan, which includes: (a) awareness-raising; (b) arms registration and marking; (c) voluntary surrender of arms; and (d) mandatory disarmament. While a pilot project on arms registration and marking was conducted in 2016, the initial results remain to be assessed. For such a programme to be successful, the Government of the Sudan should be in the lead, and the programme should include: (a) simultaneous collection of arms in the five Darfur states and in neighbouring Kordofan and Blue Nile; (b) a regional approach that includes neighbouring countries, such as the Central African Republic, Chad, Libya and South Sudan; and (c) economic compensation for the communities. In the Doha Document (ibid., paras. 416-417), the support of UNDP and UNAMID is requested in developing a strategy and plans for the implementation of a voluntary civilian arms control programme.

15. Throughout Darfur, former battlefields remain contaminated with explosive remnants of war. In Jebel Marra, initial assessments have indicated a large volume of explosive remnants of war requiring wide-scale mine action interventions. The National Mine Action Centre still lacks the capacity to undertake comprehensive mine action activities other than coordination. Furthermore, currently no capacity or resources exist within the international community to provide support for clearance of explosive remnants of war in Darfur.

Intercommunal conflicts

16. Intercommunal conflicts remain one of the main sources of violence in Darfur. Such conflicts are intimately related to the root causes of the conflict and exacerbated by armed militias, as well as by the proliferation of weapons among the civilians and the inadequate capacity and effectiveness of the rule of law institutions. While conflicts among the myriad ethnic groups of Darfur have historically occurred, the upsurge of violence during the insurgency years resulted in massive civilian casualties and population displacement. Management of land, water and other resources and a perceived bias by the Government towards one group over another are at the heart of those conflicts, which in 2013 claimed the lives of as many as 1,976 people. Following a concerted intervention by state governments, the national armed forces and the police from mid-2015 onward, the number of casualties has fallen and mediation efforts, supported by UNAMID, have multiplied, resulting in a significant decrease in intercommunal conflicts. However, conflicts continue to flare up in East Darfur between the Rizeigat and the Ma'aliya over land ownership and access to resources, in South Darfur between the Fallata, Salamat, Habbaniya and Masalit over access to farmland, grazing pastures and cattle rustling, and in Central Darfur between the Misseriya and Salamat over access to land and cattle rustling.

17. Land continues to be the most contested resource at the heart of most intercommunal conflicts in Darfur. Lack of clear land ownership and management systems, due to historical factors and government interventions on behalf of different tribal groups that have not addressed the issue in a comprehensive manner, have exacerbated and politicized such conflicts. The Unregistered Lands Act of 1970, followed by severe desertification in the 1980s, in tandem with the weakening of the native administration, the traditional administrative authority on land issues, and the ethnicization of the Darfur conflict since 2003 by the Government along the "Arab-African" narrative, with the open support of militia groups and extortion practices in their favour, resulted mainly in the Fur and Masalit tribes losing their fertile areas to several Arab tribes. Acknowledging the political dimension of land ownership and management, the Doha Document for Peace in Darfur provided for the establishment of a land commission and a land database within the framework of the Darfur Regional Authority. The Land Commission was mandated to develop recommendations and a plan of land use for adoption by state legislatures and to serve as an arbitration forum on land rights disputes. Those tasks have yet to be completed.

B. Political developments

18. The Darfur peace process, led by the African Union High-level Implementation Panel and supported by UNAMID, achieved measured progress with the signature of the Panel-proposed Road Map Agreement in March 2016 by the Government and in August by two out of the three remaining Darfur rebel movements. The parties have yet to sign the cessation of hostilities agreement, although the Government, SLA/MM and JEM/Gibril have declared unilateral ceasefires until June 2017, the main disagreement being the role of the Doha Document for Peace in Darfur in future talks. The Government insists that the Doha Document constitutes the sole framework for discussion, while the armed movements are calling for its renegotiation. In addition, the Government questions the purpose and practical value of a cessation of hostilities with armed groups that are currently believed to have no active presence or military capacities in Darfur or the Sudan. Nevertheless, the Government has expressed its readiness to engage in the disarmament, demobilization and reintegration of the rebel movements, provided that they come to the borders of the Sudan.

19. Meanwhile, SLA/AW has rejected any participation in direct negotiations with the Government of the Sudan and called for the overthrow of the Government. As indicated above, three breakaway factions from SLA/AW have signed agreements with the Government since November 2016, allowing their members to either be integrated into the security forces or be demobilized under the Doha Document for Peace in Darfur. UNAMID support in this area has led to the demobilization of 9,766 combatants since 2009.

20. Following the conduct of the Darfur administrative referendum in April 2016, the Government proclaimed the end of the conflict, thus effectively legitimizing the administrative division of Darfur into five states, and dissolved the Darfur Regional Authority. The Darfur Peace Follow-up Office was consequently established in January 2017 to supervise the five residual commissions of the former Authority and one residual fund, namely the Truth, Justice and Reconciliation Commission, the Security Arrangements Implementation Commission, the Land Commission, the Voluntary Return and Resettlement Commission, the newly established Commission for the Development of Pastoralists and Nomads and the Reconstruction and Development Fund.

21. One year after being formally launched as a means of achieving consensus on constitutional reform in the Sudan, the national dialogue process concluded in Khartoum on 10 October 2016 with the adoption of a national document. The document contains 981 recommendations, which are expected to form the basis for the drafting of a new Constitution, provides for a federal and presidential system of government, a two-chamber parliament and separation of the three branches of government and endorses the principles of democracy and the concept of equal citizenship and a diverse Sudanese identity. Further to the conclusion of the process, the Government has moved forward with the document's implementation, including the appointment of the First Vice-President, Bakri Hassan Saleh, to the position of Prime Minister on 1 March 2017 in preparation for the formation of a national unity Government. Major opposition groups in the Sudan, including the Sudan Call umbrella, boycotted the national dialogue and criticized the process for being conducted in an adverse political and human rights climate, instead calling for a pre-dialogue meeting in accordance with the Road Map Agreement. While standing firm in its view that the national dialogue has been concluded, the Government has expressed openness to the opposition groups contributing to discussions on the modalities of implementing the recommendations agreed upon in the national document.

22. In the wider region, the participation of the Sudan in the coalition against Islamic State in Iraq and the Levant, its agreement with the European Union to stem illegal migration to Europe, and achievements on the political and military fronts in Darfur improved the Government's political standing in the international arena and provided recovery prospects (albeit limited) for its economy. In that context, considerations of mutual benefit on security (by cutting support to the Darfur armed groups in particular) and in economic areas drove an improvement in its relations with Uganda in 2015, following a similar rapprochement with Chad since 2010, as well as with South Sudan to a limited extent. In January 2017, the Government of the United States of America announced a temporary and partial revocation of bilateral sanctions against the Sudan based on progress made along five tracks, including maintaining the cessation of hostilities in conflict areas, improving humanitarian access, ending negative interference in South Sudan, enhancing cooperation on counter-terrorism and addressing the threat of the Lord's Resistance Army. Following the revocation, which was scheduled to be reviewed in July 2017, the Government extended its unilateral cessation of hostilities in Darfur and the Two Areas for another six months and eased access restrictions on UNAMID and humanitarian actors.

C. Humanitarian and protection challenges

Communities of internally displaced persons

23. Notwithstanding improvements in security in recent months, as a result of the Darfur crisis, now in its fifteenth year, a total of 2.7 million people are currently displaced in Darfur, of whom 2.1 million are in need of humanitarian assistance, including 1.6 million in 60 camps. New displacement in 2016 was limited to the Jebel Marra area, where armed conflict triggered the displacement of more than 140,000 people. An additional 40,000 displaced in 2016 subsequently returned to their places of origin. Thousands more were reported to have been displaced, but this could not be verified owing to access constraints, even though since December 2016 the United Nations and its partners had been given access to previously inaccessible areas in order to carry out needs assessments and provide humanitarian assistance. No new displacement occurred in the first quarter of 2017. In addition,

more than 300,000 Sudanese refugees are located in neighbouring Chad, while about 121,000 South Sudanese are currently in Darfur.

24. Internally displaced persons continue to face grave security challenges. There are reports of internally displaced persons being killed, raped or harassed as they conduct life-sustaining activities outside the camps. Government security forces and armed militias are often involved, and in some camps, such as Kalma (South Darfur), tensions with the community of internally displaced persons are persistent. Furthermore, large-scale displacement has exacerbated communal tensions, as in the case of Sortony, North Darfur.

Protective environment

25. The review found that civilians continued to face serious protection issues despite some improvements over the past several years. In 2016, UNAMID documented 535 cases of human rights violations and abuses involving 1,428 victims, an increase of 281 cases with a corresponding increase of 271 victims compared with 2015. Of the 535 documented cases in 2016, 130 cases involving 399 victims were attributed to government security entities, with the remaining 405 cases involving 1,029 victims attributed to armed militias and other groups. In the first three months of 2017, UNAMID documented 133 cases of human rights violations and abuses involving 255 victims, of which 22 cases involving 32 victims were attributed to government security entities. This constitutes an increase in comparison to the same period in 2016.

26. Conflict-related sexual violence persists. In 2016, 100 such cases affecting 222 victims, comprising 102 women, 119 girls and 1 boy, were recorded. Internally displaced women are identified as being particularly at risk of conflict-related sexual violence. Such cases are usually underreported owing to stigma, fear of reprisals, weak institutions and the government-imposed restrictions on access to sites where incidents of mass rape have been reported in recent years.

27. Children continue to be particularly affected by the hostilities. In 2016, some 231 grave violations against children affecting 320 children were documented by the United Nations. Killing and maiming accounted for 109 incidents affecting 199 children (85 killed and 114 maimed). Some 20 schools were reportedly attacked, looted or destroyed by government forces and armed militias, specifically in the course of aerial bombardments in Jebel Marra.

Challenges in the area of rule of law

28. Across Darfur, the presence and capacity of justice and corrections institutions is limited. Notwithstanding the Government's efforts to restore the presence of criminal justice chain institutions in the main cities, rural areas are severely affected by their absence, which increases in particular the vulnerability of internally displaced persons. Established in 2012 to address serious violations of human rights and international humanitarian law since 2003, the Special Court for Darfur Crimes remains largely ineffective owing to a perceived lack of political will and financial constraints. While limited progress has been made by the Office of the Special Prosecutor for Crimes in Darfur in prosecuting ex-combatants of armed movements and cases of sexual violence through the regular court system, impunity for serious crimes remains widespread. Furthermore, despite UNAMID support for the reopening and strengthening of rural courts, which deal with land disputes and other potential conflict drivers, their presence remains limited.

29. The Sudanese police have re-established their presence in most of the localities in Darfur, compared with previous years. Approximately 13,000 officers, 4.7 per cent of whom are women, are deployed in 74 police stations and 54

substations across Darfur. Challenges related to the inability to fully cover all the localities, rural areas and camps for internally displaced persons, lack of skills and mobility, and competition for resources, infrastructure and communication affect their ability to effectively undertake their primary responsibility to protect the communities.

III. Strategic priorities and mandate implementation

A. Peace process

30. In the context of its prioritization of "an inclusive peace process", the mission provides support to the mediation led by the African Union High-level Implementation Panel and to the parties in the implementation of the Doha Document for Peace in Darfur, with specific focus on the former Darfur Regional Authority and the Darfur Internal Dialogue and Consultation process. The African Union-United Nations Joint Special Representative for Darfur continues to engage the parties on the way forward, in particular the armed movements, with a view to defining their position on the Doha Document. To date, the Darfur peace process has been hampered by the lack of constructive engagement on the part of the leaders of the remaining armed movements, whose presence and representativeness have been diminished. Their continued rejection of the Doha Document leaves the mediation little room for manoeuvre.

31. Within the framework of the Doha Document for Peace in Darfur, the mission has focused, first, on the implementation of all outstanding provisions of the Doha Document and, second, on the Darfur Internal Dialogue and Consultation process. As a member of the Implementation Follow-up Commission, which monitors and assesses the implementation of the Doha Document, the Joint Special Representative regularly reports on its progress. The mission, through its civil affairs, rule of law and protection of civilians components, is working with the residual commissions of the former Darfur Regional Authority with a focus on the issues of land, reconciliation, transitional justice and returns. As those commissions are currently part of the Darfur Peace Follow-up Office under the presidency, the mission will need to reinforce its engagement with the central Government in Khartoum while working closely with the state-level authorities in Darfur in coordination with the United Nations country team.

32. The implementation of the Darfur Internal Dialogue and Consultation, which was foreseen as a "popular consultation and dialogue ... to consolidate peace in Darfur" (art. 76, para. 473), has been significantly delayed owing to serious funding constraints. Originally envisaged to take place within 120 days of the signing of the Doha Document, the process is complete in 64 Darfur localities, with the process expected to be completed in another 10 localities in its current third phase, with the facilitation of UNAMID. Despite contributions from the Governments of Qatar and the Sudan and the European Union, an estimated $1.4 million is still required to finalize the process. To date, participants from all five Darfur states have raised such issues as insecurity, proliferation of weapons, land management, governance and strengthening of state authority, voluntary return of internally displaced persons and refugees, and reconciliation. As the consultation process is about to conclude, ways to channel its findings into processes related to the implementation of the national document and the constitutional reform process should be explored.

B. Protection of civilians

Protection of internally displaced persons

33. UNAMID has developed a series of important protection tools, including a mission-wide protection of civilians strategy. A robust protection coordination mechanism has been established at the headquarters and sector levels with the United Nations country team, and at the field level, integrated field protection teams have been established in team sites to provide early warning and enable swift responses. Protection matrices identifying threats to civilians are regularly updated in each state. A remaining key challenge for the mission's efforts on protection is securing unfettered access to Jebel Marra.

34. The military component, through its protection of civilians patrols, patrols in support of livelihood activities, including firewood, water and grass collection, and escorts and logistical support for humanitarian agencies, plays an important role in providing physical protection and facilitating humanitarian assistance. The military currently conduct on average more than 250 daily protection of civilians patrols and more than 20 weekly humanitarian escorts. They also provide protection to UNAMID personnel and property. UNAMID police (formed police units and individual police officers), currently deployed across Darfur, are part of the integrated field protection teams and support escorts of United Nations agencies and support the creation of a protective environment through the implementation of their community-oriented policing strategy.

35. UNAMID, in coordination with humanitarian United Nations agencies and partners, conducted a mapping of the settlements of internally displaced persons in Darfur with the objective of defining its protection priorities, in line with Security Council resolution 2296 (2016) and Peace and Security Council communiqué PSC/PR/COMM.(DCV). The 2.7 million internally displaced persons in Darfur are spread over 174 settlements, including 60 camps, which host 63 per cent of that population, equivalent to 1.6 million people, while another 25 per cent live within host communities. The assessment of risks with regard to the protection of internally displaced persons concluded that 29 per cent of the settlements fell into the "very serious" and "serious" categories, the majority of them being camps for internally displaced persons. It was also observed that internally displaced persons were most vulnerable to incidents in areas of livelihood activities, such as farming and firewood or grass collection, and in seasonal return areas, as well as at the main transport arteries or roads to/from markets. On the basis of that analysis, UNAMID will focus its efforts on reducing threat levels in high-risk locations, supporting the voluntary return of internally displaced persons where appropriate, providing rapid response to prevent new displacement and protecting those fleeing from violence in contingency situations, particularly in Jebel Marra.

36. Any durable solutions for internally displaced persons should take into account the following: first, almost one third of the Darfur population is currently displaced; second, camps for internally displaced persons have become a location of services and accumulation of relative wealth, which not only risks developing an inclination for dependence for the internally displaced persons but also makes them an easy target for outside groups; third, a major process of de facto urbanization is taking place across Darfur, especially in areas with a large concentration of internally displaced persons around existing towns, which has set in motion new dynamics affecting durable solutions; and fourth, there are indications that a number of camps serve as shelter to armed movements, with weapons prevalent. Overall, it is of paramount importance that durable solutions for internally displaced persons be voluntary and in accordance with international standards.

Human rights

37. The mission has implemented its human rights mandate through monitoring, investigation and reporting, with a particular focus on vulnerable groups, advocacy and dialogue, and institution- and capacity-building activities. The work of the mission in this regard has been hampered by challenges that include a lack of access to victims, fears of reprisals and stigma among them and a lack of cooperation from government institutions (including in the issuance of visas for international staff). Furthermore, despite the support of UNAMID for the establishment of the Truth, Justice and Reconciliation Commission, the Sudan National Human Rights Commission and the Special Court for Darfur Crimes, as provided for under the Doha Document, these mechanisms have faced considerable operational challenges in the lack of political will from the signatories and of resources. Further work is clearly required. OHCHR technical support for these mechanisms to discharge their mandates in line with international human rights standards is critical.

Rule of law

38. UNAMID has focused its justice and corrections interventions on: (a) supporting the re-establishment of the criminal justice chain in areas to which displaced persons return; (b) strengthening the capacity of rural courts to address land disputes and other intercommunal conflict drivers; (c) promoting the implementation of the Doha Document through support for the Special Court and the Special Prosecutor for Crimes in Darfur.

39. The Joint Programme for the Rule of Law and Human Rights in Darfur (2016-2019) was signed on 22 November 2016, bringing together relevant sections of UNAMID (rule of law, police, human rights, gender) and 10 United Nations agencies. The Programme reflects and complements the mission's mandated rule of law priorities and offers a framework for the United Nations country team, in particular UNDP, to take on many of the activities discontinued by UNAMID. So far, only 10 per cent of the overall budget of $17 million is funded.

40. Through its Ordnance Disposal Office, UNAMID conducts survey and clearance of explosive remnants of war and provides education on explosive remnants of war for local communities at risk and technical advice and support to the National Mine Action Centre. Past activities include assistance to victims of incidents from explosive remnants of war and technical advice to the police and the National Disarmament, Demobilization and Reintegration Commission on international best practices and guidelines in the safe storage of arms and ammunition.

41. In support of the implementation of the Doha Document, UNAMID provides technical and logistical assistance to the Sudan Disarmament, Demobilization and Reintegration Commission for the demobilization (including reinsertion) of ex-combatants from signatory armed groups. This support is complemented by community stabilization projects, which are aimed at creating temporary economic and training opportunities for youth at risk and internally displaced persons. Although disarmament, demobilization and reintegration already constitute a mandated task, greater clarity regarding the mandate in this area would be advantageous, especially in the light of the peace process and the representation of rebel groups. Any support provided to civilian disarmament efforts or the integration of militia groups remains outside the mission's current purview.

C. Intercommunal conflicts

42. In support of the prevention and mitigation of community conflicts, UNAMID has developed a strategy and a set of mechanisms to address intercommunal conflicts. In addition, specific initiatives such as the rehabilitation of natural water points along migratory routes and the establishment of "crop protection committees" are deemed to have considerably improved the access of nomadic herders to water and the interaction with the farmers' communities. Additional requests are formulated in support of the provision of services along the migration routes. In view of the numerous requests and in the context of limited resources, the mission is considering refocusing activities towards supporting the state authorities and the native administration in addressing conflicts of high impact on civilians and the national political processes.

D. Transfer of tasks

43. The transfer of tasks as currently mandated is incongruent with how United Nations agencies, funds and programmes are structured and resourced. Owing to the lack of resources available to the United Nations country team, most tasks considered for handover to the country team in the areas of gender and HIV/AIDS have been discontinued. With regard to the transition of certain justice and corrections tasks, assessed programmatic funds were transferred to UNDP to implement clearly defined legal aid tasks and strengthen its capacity to mobilize further resources to continue this activity beyond July 2017, but its extremely low capacity in Darfur remains a concern. A handover of task therefore remains unrealistic if partners continue not to be funded at levels sufficient to carry out most of the tasks being handed over.

44. It is therefore recommended that a United Nations strategy for sustaining peace in Darfur be designed, with a phased transition that may include support for the transfer of personnel and funds, and for a joint UNAMID and United Nations country team fundraising strategy to ensure the maximization of pooled resources and efforts. To help to address this funding shortfall, the Department of Peacekeeping Operations and UNAMID should offer full support to country team partners in the Sudan and New York to raise voluntary funds for development projects that are important for stabilization in Darfur.

E. Operational challenges

45. The review team noticed a positive trend in the issuance of visas for UNAMID and the clearance of shipments for the mission, which began in the course of 2016. During the period from 1 January 2016 to 1 May 2017, the mission submitted 3,576 visa requests, of which 3,095 were approved, representing an approval rate of 89 per cent. Although the vacancy rate for international civilian staff due to difficulties with visa issuance decreased from the previous reporting period, from 46 per cent to 43 per cent, challenges remain for the Human Rights Section.

46. Following a similar trend, while all pending food ration containers have been released from Port Sudan, customs clearance for 123 shipments of equipment owned by contingents of UNAMID and the United Nations remained held at Port Sudan and in Khartoum. Some shipments containing communications facilities, vehicles and waste management systems have been awaiting clearance since 2015, accumulating demurrages of more than $1.2 million.

47. Overall, there has been a significant improvement in freedom of movement, particularly in the processing of travel documents. The mission experienced 18 access restrictions in the first trimester of 2017, compared with 64 in the last trimester of 2016 and 50 in the first trimester of the same year. In January and February 2017, UNAMID and humanitarian actors received government clearance to conduct inter-agency missions in some of the previously inaccessible parts of Jebel Marra. Restrictions remain in place on the conduct of night patrols all over Darfur, seriously hampering the protection activities of UNAMID uniformed units.

IV. Proposed adjustments to UNAMID

48. The strategic review team concludes that UNAMID deals with two sets of issues that are both related to the root causes of the conflict: first, the continued instability in the greater Jebel Marra area and the ensuing displacement in the vicinity; and second, intercommunal violence. Both have emerged from the marginalization of Darfur and the dispute over the scarce resources (especially land and water) and have been exacerbated by the proliferation of militias.

A. Refocusing the mission's mandate

49. In the light of the above, the strategic review team proposes a two-pronged approach to a new concept of operations that combines peacebuilding and peacekeeping tasks. The areas outside Jebel Marra and the affected vicinity, that is, those areas where there has not been any fighting for years, necessitate a more peacebuilding-oriented approach than Jebel Marra. In those areas, the role of UNAMID should be, in collaboration with the United Nations country team, to stabilize the situation, support the police and help to build rule of law institutions while continuing to mediate intercommunal friction and investing resources in the residual commissions/funds of the Darfur Regional Authority to develop adequate legislation (especially on land and resource management), and to follow up on security sector reform-related issues and the implementation of the Doha Document.

50. The greater Jebel Marra area, by contrast, still requires traditional peacekeeping and emergency attention owing to the insecurity prevailing in the area, which prevents internally displaced persons from returning. A concerted effort should be undertaken through a time-bound Jebel Marra task force in which military protection, clearance of explosive remnants of war and emergency relief are combined and coordinated with the humanitarian country team in order to deal with the stabilization of the area and its hinterland through a Jebel Marra action plan. The mission should therefore be configured to address those issues in a two-track concept of operations. UNAMID state offices should also be strengthened and headquarters thinned out so that the mission can work more closely with the state governments and develop plans that address the needs of each state, as needs and hotspots vary greatly.

51. The mission's priorities still address the main issues at stake and provide a good "chapeau" for the tasks that UNAMID should undertake and where it has the most value added. However, the focus of these priorities needs to be adjusted, as do the indicators of the existing benchmarks.

B. Reconfiguration of the military and police components

52. The main military effort of UNAMID should concentrate on the Jebel Marra task force, including enablers. In parallel, steps would be taken to draw down in the

five sectors, thus ensuring that UNAMID is predominantly civilian in character in those areas to be able to carry out the required peacebuilding tasks. In stable areas, the formed police units would undertake tasks delinked from those performed by the force so as to be in a position to operate independently. At the same time, adequate capability would be retained to respond to any situation requiring a military response. That concept, which includes the closure of 11 team sites and the withdrawal of the military from another 7 team sites out of a current total of 36, represents a reduction of 44 per cent of the authorized ceiling for the military and 30 per cent for the police component. The proposed reconfiguration would be carried out in two phases, each extending over a period of six months.

53. In the first phase, the task force would be established at brigade strength, with headquarters in Zalingei. It would include the temporary operating base to be established in Golo and incorporate the following team sites: Zalingei and Nertiti (Sector Central); Shangil Tobaya, Sortony, Kabkabiyah and Tawilah (Sector North); Kass, Menawashei and Khor Abeche (Sector South). The following 11 team sites will be closed: El Fasher/Abou Shouk, El Fasher/Zamzam, Al-Malihah, Um Kaddadah, Tine and Mellit (Sector North); Habila and Foro Burunga (Sector West); Edd al-Fursan and Tulus (Sector South); and Muhajiriyah (Sector East). The military troop level at the end of the first phase will be 11,395, as opposed to the current level of 15,845, while the police component will be reduced from 3,403 to 2,748.

54. In the second phase, lasting six months, military units would withdraw from the following seven team sites: Kalma (Sector South); Masteri (Sector West); Sheria (Sector East); and Saraf Omra, Korma, Umm Barru and Sereif (Sector North). At the end of the second phase, the central reserve battalion and four reserve companies located in the state capitals would be withdrawn. UNAMID would nonetheless maintain a military presence with appropriate troop strength in each state as a "security assistance force", including command and control elements. The police would continue to remain in the above-mentioned seven team sites, from which the military will withdraw in the second phase, and formed police units would be responsible for the provision of UNAMID camp security while continuing with the mandated tasks. At the end of the second phase, the military troop level would be reduced to eight infantry battalions (from the previous 16), with a total force strength of 8,735, while the police strength would stand at 2,360.

55. Considering the volatility of the security environment, the impact of the envisioned reduction of the UNAMID footprint has to be effectively mitigated by adequate and mobile quick-response capabilities so as to retain the minimum capacity required to respond to security challenges based on the early warning information that the mission receives. In view of the very significant cuts recommended with respect to the size of the force, there will clearly be a need for the Government to develop viable security plans and arrangements to fill the resulting gaps and mobilize the resources required to ensure their effective implementation.

C. Political process

56. In terms of the political process, stronger focus should be placed on the effective implementation of the Doha Document, which is incorporated into the Constitution and contains useful provisions to address the underlying causes of conflict and to provide a peace dividend for the population in Darfur. UNAMID should conduct a comprehensive assessment of the Document's implementation for a more focused approach on the outstanding provisions of the agreement and work jointly with UNDP and the commissions under the Darfur Peace Follow-up Office

to address land and disarmament issues in particular. This also includes efforts to advance the normalization of the security sector in Darfur, which UNAMID might not be equipped to tackle as a lead actor but to which it could contribute in a supporting role. In this context, tackling the proliferation of arms and the presence of militias is paramount to preventing a relapse into conflict in the medium term. Furthermore, the mission should support the implementation of the Darfur Internal Dialogue and Consultation at the local level.

57. As for peace negotiations with rebel movements, it has become increasingly evident that the two movements that are willing to participate in the process, namely SLA/MM and JEM, currently do not have any military presence in Darfur. Although remnants remain in South Sudan (JEM) and Libya (SLA/MM), with the latter probably well-equipped and active in the local conflict, the ongoing negotiations appear out of sync with the situation on the ground. The initiative of the African Union High-level Implementation Panel, supported by the Joint Special Representative, for an all-inclusive political process linked to the national dialogue and a national constitutional reform process should remain the guiding principle for UNAMID support within the overall mediation structure, as set out in African Union Peace and Security Council communiqué PSC/PR/COMM.(CDLVI) and reiterated in subsequent Security Council resolutions and Peace and Security Council communiqués.

58. In this context, the mission's priorities should remain: (a) support for the implementation of the African Union High-level Implementation Panel framework for ending the conflicts in the Sudan; (b) engagement with the Government of the Sudan and armed movements to sign and implement a cessation of hostilities agreement; and (c) full implementation of the remaining provisions of the Doha Document.

D. Protection of civilians

59. The protection of civilians, including women and children, and the facilitation of humanitarian access remain a key priority for the mission. Given the new two-pronged concept of operations proposed above, activities with regard to the protection of civilians will also shift, in alignment with the mission's newly refined protection of civilians strategy. In the greater Jebel Marra, in collaboration with the humanitarian country team, the protection of civilians will heavily revolve around the Jebel Marra task force action plan, whereas in the rest of the Darfur states it will focus on livelihood issues and police/rule of law capacities. The team also discussed the possibility of a strategy on human rights to establish a working relationship at the federal level by strengthening the human rights presence in the Khartoum Liaison Office in order to engage with the Government and key human rights institutions created through the Doha Document. The Government's support in this respect will be crucial.

60. Specifically, the team recommends the establishment of a temporary operating base in Golo in support of the facilitation of humanitarian efforts and the protection of civilians as part of the Jebel Marra task force. In addition, it is recommended that the mission, in conjunction with the humanitarian country team, conduct a comprehensive situational analysis and needs assessment to prioritize areas for clearance of explosive remnants of war and identify possible quick-impact projects and community stabilization projects for interventions in Golo and the north of Central Darfur, as well as the wider Jebel Marra, in support of returns.

61. Third-tier protection activities should focus on the establishment of a protective environment by strengthening the capacity of the state, especially the

police and judicial actors, promoting respect for human rights, facilitating the representation and participation of women, preventing and responding to sexual and gender-based violence and enhancing the protection of children and should be accelerated in areas where fighting has subsided, as part of stabilization efforts and support for the Government.

62. Given the challenges that prevail with regard to the protection of human rights in Darfur and the opportunities that arise from current developments, the following human rights priorities remain for UNAMID: (a) monitoring and reporting, including trial monitoring; (b) advocacy for the implementation of the provisions of the Doha Document on militia groups and disarmament; (c) advocacy for the lifting of emergency laws in Darfur and the arresting powers of the National Intelligence and Security Service; (d) support for and capacity-building of the human rights and justice mechanisms under the Doha Document, namely the Sudan National Human Rights Commission, the Truth, Justice and Reconciliation Commission, the Special Court for Darfur Crimes and the Special Prosecutor for Crimes in Darfur; (e) increased human rights personnel in Khartoum to support institutional development, advocacy with authorities and increased capacity-building aimed at strengthening transitional justice and human rights institutions; (f) support for the implementation of the Joint Programme for the Rule of Law and Human Rights in Darfur.

63. The strategic review team recommends that UNAMID and the United Nations country team work with Darfur state governments and other available partners to develop comprehensive peace stabilization plans led by the state government and the native administration for local areas that are most important for durable solutions to problems of displaced populations, and to support the Government in creating conditions conducive to a reduction in violence. In this regard, the two Councils should consider including the mandated tasks of helping the Government and native administrations to extend state authority in all five states of Darfur by strengthening rule of law efforts and supporting state capacity for the mediation of intercommunal conflict, to develop and implement peace stabilization plans for key areas for returns of internally displaced persons or areas of the Jebel Marra with potential for renewed armed conflict.

64. The Ordnance Disposal Office should remain anchored in UNAMID, with explosive remnants of war clearance, risk education and technical advice tasks until such time that the National Mine Action Centre will be fully capable of effectively assuming mine action responsibilities throughout the territory. Such tasks are sine qua non conditions for the mission's movement, the facilitation of delivery of humanitarian aid and the return of the displaced population. The Office should use its capacity to support the mission in wider reconciliation efforts through assistance to victims of explosive remnants of war. Simultaneously, community stabilization projects should be enhanced as the emphasis of UNAMID increasingly moves away from the provision of physical security to the stabilization of key areas affected by the conflict and vital for the voluntary return of internally displaced persons.

65. The Joint Programme for the Rule of Law and Human Rights in Darfur provides the framework necessary to contribute to sustaining peace in Darfur. Considering current funding shortfalls, the implementation of the Programme should be sequenced, focusing on immediate priorities for community and institutional stabilization, including community security, access to justice, strengthening of the criminal justice chain in return areas and human rights protection.

66. While the disarmament of armed militias is a complex endeavour, the issue should be addressed in a sustainable way, including by taking into account their

grievances. The African Union and the United Nations could offer technical assistance to the Government of the Sudan on how to implement relevant provisions of the Doha Document. Initiatives that aim to bring the militia into an accountability framework, similar to the integration of the Rapid Support Forces into the national armed forces, should be supported. Furthermore, the mission should support initiatives whereby the communities of internally displaced persons engage militia groups in mediation with the state authorities towards solutions for their return and resettlement. With reference to the proliferation of weapons among the civilian population, the review team recommends that the mission support the efforts of the Government towards an arms control approach. The team also recommends that, on security sector-related issues, specifically on "the reform of some military institutions", as provided in the Doha Document (art. 74, paras. 463-464), the African Union Security Sector Reform Framework could be useful in guiding further engagement with the Government of the Sudan.

E. Intercommunal conflict

67. On the issue of intercommunal conflicts, the strategic review team is of the view that the recent efforts to develop state strategies have worked well but that a stronger partnership should be struck with the United Nations country team, which requires additional donor support if it is to serve as a strong partner with UNAMID on the issue of seasonal migration and the extension of the rule of law institutions, while working on tackling the root causes through a legislative and institutional framework developed at the federal level. This should be based on the institutional and physical infrastructure built by UNAMID and the local authorities to address such conflicts, including state coordination mechanisms with local authorities, crop protection working groups, the demarcation of corridors and the construction of water and service points.

68. The strategic review team is of the view that the work of the mission and the United Nations country team should prioritize those intercommunal conflicts, which have the potential: (a) to cause the highest number of casualties; and (b) to derail national political processes. Such an approach will inform the prioritization of mission efforts to prevent local violence and the allocation of resources for mitigation and response.

69. Based on the above, the review team recommends that the benchmark of the intercommunal conflicts, namely prevention or mitigation of community conflict through mediation and, in conjunction with the United Nations country team, measures to address its root causes, remains relevant. It is proposed, however, that the requirements for progress relate to the residual provisions of the Doha Document and former Darfur Regional Authority commissions and include: (a) strengthened traditional conflict resolution mechanisms and greater respect thereof; (b) establishment of a legal and institutional framework to address the root causes of intercommunal conflict; (c) provision of access to the United Nations country team to enable measures that address root causes related to natural resources, recovery and reconstruction. Specific indicators should reflect the provisions of the Doha Document on the Darfur Land Commission, the Darfur land-use mapping database, legislation on empowering the native administration and provisions on oil revenues. UNAMID should focus on its support role to local initiatives through good offices and advisory and logistical support.

F. Impact of the drawdown on mission structure and management

70. As the military and police reconfigure their deployment and posture, the civilian component will have to be equally adjusted to a greater presence in the field offices and a less heavy headquarters in El Fasher and at the state level. Once the new mandate of UNAMID is adopted, it will be necessary to conduct a comprehensive civilian staffing review to ensure that staffing levels are adjusted to implement the revised mandate.

71. The security posture of the mission also needs to be assessed and reviewed by the Department of Safety and Security and the mission leadership, through the Security Management Team and in coordination with UNAMID military and police, to reduce heavy escorts and protection arrangements that do not seem necessary, especially in the state capitals. Not only do the current arrangements not correspond to security developments on the ground, but they also have a negative impact on mandate delivery and the image of UNAMID. This might also have an impact on mission classification and related issues.

V. Observations

72. We are encouraged by the improvement of the security situation, the political developments in the context of the national dialogue and the positive regional environment in view of the cross-border cooperation between the Central African Republic, Chad, the Sudan and Uganda. While it is widely accepted that UNAMID has contributed to the stabilization of the security situation and the overall protection of civilians environment, the mission should adjust to the new realities in Darfur and the Sudan.

73. Overall, the African Union-United Nations framework for the facilitation of the Darfur peace process established in 2012 remains relevant. In view of the above, the mediation process should be adjusted under the leadership of the African Union High-level Implementation Panel. We call upon the movements to demonstrate courage and vision by engaging in the implementation of the Doha Document, which constitutes a useful political framework, now part of the national Constitution, to address the root causes of the conflict and create peace dividends for the people of Darfur.

74. The rapidly changing landscape in Darfur opens up an opportunity for a more cooperative relationship between the Government and UNAMID. We call upon the Government of the Sudan to positively engage with UNAMID and the United Nations country team towards the implementation of the outstanding provisions of the Doha Document, especially those related to the underlying causes of conflict.

75. As UNAMID is evolving in response to the security and political developments in Darfur, we recommend the extension of its mandate for 12 months and suggest that a joint African Union-United Nations report be submitted to both Councils by 1 March 2018 containing an assessment of the proposed reconfiguration in the light of the prevailing political and security situation and, provided that the current trends continue, recommendations, as part of the exit strategy, for further steps in the drawdown of the Operation, for consideration by both Councils during the discussion on the mandate in 2018.